Mobility and the quest(ion) of legitimacy

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Rebecca Welge and Sebastian Kubitschko

From its initial starting point, the European Union has established a political environment in which economic opportunities have been prioritised over democratic actualities. The first right that individuals were granted in the EU, for example, was the free-movement right for workers in the 1950s and a number of rights directly associated with free movement. This, of course, was due to the fact that its 'founding' institutions, the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), had economic rather than egalitarian ideals at the top of their agenda. To install a common market, workers were not only granted the right to seek a job within another Member State but also to work and reside there too. This initial right enabled individuals to contribute to the development of an economic community.

Maybe more importantly, individuals were not only additionally granted the right to free movement but were also

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granted the right to equal treatment with respect to working conditions and other benefits which facilitated integration in the host Member State (Art. 39 EC Treaty). Later, Council Directives (e.g. 68/360/EEC) and Regulations specified the abolishment of restrictions on movement and residence within the EC for workers of EU Member States and their families. In particular, the European Court of Justice was responsible for pushing the legal scope of movement rights. Following the logic of market protection, new Member States such as Romania and Bulgaria have specific provisions in their accession treaties that define transition periods limiting the free movement of individuals from these Member States.

Today, free movement of individuals, along with nondiscrimination, are still the seminal concepts behind EU citizenship as are other rights directly linked to mobility which enable transboundary activities including studying, working or residing abroad. The high relevance of economic, educational and geographical mobility is also echoed in the recent Eurobarometer survey data, which attests that most people perceive EU citizenship as the right of free movement, the right to study abroad and the right to work in different Member States. The total number of EU citizens who exercise their free movement rights is approximately 11.5 million, slightly more than the total population of Greece or the seven smallest Member States put together. Interestingly enough, the overwhelming majority of EU citizens – about 95 percent – are living in their Member State of nationality. Obviously the perception that the EU is an area without national borders is important even for those who do not exercise their movement rights. Particularly the Schengen Area, which allows people passport-free travel, and the single market seem to be important for the people's perception of the EU as an area without borders. These areas affect also the 95 percent who do not use their rights to reside and work in a different Member State.

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Structural elements of EU policy and legislation did not

explicitly preclude citizens' political participation, but neither did they urge for a unified landscape in which people develop the abilities, needs or desire to engage in and contribute to the political landscape they are living in. In general, arguments around citizens' participation and 'political engagement' are blowing from a different direction. Politicians, along with mass media outlets, never get tired of proclaiming that we are living through times of political fatigue, which, according to these voices, can be witnessed most obviously in the shockingly low voter turnout during national as well as European elections.

If recent history has proven anything, it is that citizens living in the EU are a world away from political fatigue. The increased intensity of political activities around Europe over the past months and years – ranging from peaceful to violent protest, from industrial action to volatile riots, from mass rallies to occupations – not only demonstrates levels of discontent, but also perhaps proves the general demand for increased political inclusion.

Is anyone to blame for this clash between a civic drive towards political change and the EU's rather constrained catalogue of priorities? Blaming any single institution or collective of actors would oversimplify the circumstances and consequently not do justice to the complexity of the situation. Nevertheless, it might be possible to refer to specific dynamics and situations where the democratic deficit of Europe's political landscape becomes apparent.

An astonishing aspect of the current Eurozone crisis, for example, is the fact that it has been framed almost exclusively as an 'economic' state of emergency – neither political or civic consequences were ever really discussed. In this phase of fundamental transfiguration (one that Angela Merkel portrayed as the most severe moment since WWII), there was no sign of opportunities for civic involvement or even citizens' participation.

Europe's leaders – partly amongst themselves and partly as associates of the so-called Troika – met repeatedly to find the most gentle salvation for the people of Europe in general

and Greece as well as other Member States in particular. The only active role citizens play in this performance is by guaranteeing the future economic stability of the EU with their tax money, which aims to reach the absurd sum of €1 trillion. This role, however, is not a self-chosen one but has been assigned to them by a rather indifferent top-down decision.

Another example of the critical disconnect between citizens' need to have a say beyond ritualised elections and the EU's bureaucratic rigidity is the European referendum. After the rejected referenda in France and the Netherlands the ratification process for the Constitutional Treaty was stopped, and, in the name of Europe's future, the current Lisbon Treaty was finally ratified without a referendum in most countries. Only in Ireland is the referendum obligatory; otherwise, it's most likely that the Irish government would have avoided risk of a further rejection. The preamble of exactly this treaty underlines the goal: 'to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen'. This aim is also echoed in various European initiatives, such as the Citizenship 2007-2013 Program, which aspire to 'bring Europe closer to its citizens'. The parliamentary ratification procedures, which allow ratification of an EU treaty without a referendum in most Member States, not only drew criticism by citizens hoping for a participatory process but also by those who had seen a chance to effectively express their dissatisfaction with the course of EU integration.

There is a consensus that people should be brought closer to the decision-making process. Having said that, the intent to do so in many ways appears to manifest itself in rhetorical declarations rather than in actual political scenarios. It is exactly this nonlinear link between individuals and governance that causes criticism of the EU's democratic nature and forms the standard version of the democratic deficit thesis.

What is clear from these examples is the way in which the EU is stretching its political legitimacy to the limit. And, perhaps surprisingly, movement and mobility play a key role in this fundamental crisis of legitimacy. It is, however, not the

kind of mobility that politicians have been promoting in a surprisingly redundant manner. Whilst it is by all means important to appreciate and be aware of the level of economic, educational and geographical mobility that has been established throughout the European region, it is time to address a different kind of mobility.

Mobility must be approached now as what it is: a multilayered phenomenon that exceeds the one-dimensional level of movement, which has been excessively related to economic means. In other words, what is needed to (re)establish the political legitimacy of the EU is a drastic shift in the discourse of mobility. This is not to say that issues concerning residency, education and the like have become invalid or trivial, but to emphasise that we need to go beyond a solely economic and geographical understanding of mobility. The ability to be mobile already implies the capacity to move towards something. Consequently, once we add a political perspective to our understanding of mobility and movement, it also describes the capacities through which citizens are able to 'move', that is to change, the political status quo. So far, the EU infrastructure has given its people the ability to be mobile travellers, workers and students – and they highly appreciate that. What we need now are resources and infrastructure that enable citizens to be mobile political agents – and there is no doubt they would appreciate these as well.

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The idea that mobility should be understood not only in its 'geographical' meaning (travel, crossing borders) but also in its rather metaphorical 'political' connotation can be illustrated by the following. At present in Europe and on the international scale we are witnessing the constitution of new hybrid institutions like the Troika, the Frankfurt Group, the European Financial Stability Facility (ESFS) and the Financial Stability Board (FSB). This consortium of non-elected organisations – composed of non-transparent mixtures of governmental and economic actors – are configuring a political landscape that Angela Merkel has recently welcomed as 'a de-

mocracy in line with the market'. Their conceptual endeavour is to respond instantaneously to largely monetary challenges and turbulences – in other words, they aim to move quickly between the interconnected worlds of finance and politics. However, this speed of movement comes at a very high price.

While on the one hand the space to manoeuvre has been amplified for these new semi-democratic institutions, citizens' ability to change the political status quo on the other hand is in decline. To bring this idea back into the metaphorical setting of mobility: Instead of being able to move across relevant spaces of influence, citizens' scope of action (or their ability to 'move politics'), is being increasingly diminished, because the determining actors and institutions are out of reach of normal citizens. The EU simply has no mechanisms or democratic infrastructures at hand that would allow citizens to pressure, elect or exert influence over intergovernmental organisations. Political decisions, in other words, are today made beyond the reach of Europeans. As long as politicians, practitioners as well as scholars continue to exclusively focus on the geographical and economic aspects of mobility the discourse around participatory structures and practices will only slowly, if at all, advance.